IN THE HIGH COURT OF JUDICATURE FOR RAJAASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Abdul Jaffar
Versus
State

S.B. CR.MISC.5th BAIL APPLICATION NO.516/2007
under Section 439 Cr.P.C.

Date of order :- **24/1/2007.**

PRESENT
HON'BLE MR.JUSTICE HARBANS LAL

Mr. Harendra Singh for the petitioner.
Mr. S.N. Gupta P.P. for the State.

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BY THE COURT:-

This fifth bail application under Section 439 Cr.P.C. has been filed on behalf of petitioner Abdul Jaffar who is facing trial alongwith others before the court of learned Additional District and Sessions Judge (Fast Track) No.2, Jaipur City, Jaipur on the charge for offences under Sections 307/34 and 302 I.P.C. and Section 3/25 of the Arms Act in Sessions Case No.94/2005.

I have heard both sides and have perused the relevant documents including the statements of the witnesses so far examined during the trial.

As per the report obtained from the concerned court, 9 witnesses remained to be examined for recording of whose statements, 1/12/2006 was fixed in the trial court.

There is no material or substantial change after the

rejection of his fourth bail application which was rejected vide order dated 15/11/2006.

Having carefully considered the submissions made at the bar and keeping in view the evidence that has come on record during the trial and the guidelines laid down by the Hon'ble Apex Court in the case of **State of Maharashtra Vs. Ritesh {(2001) 4 SCC 224}** as also the gravity of the charges against the petitioner, no case for grant of bail to him is made out because the trial is already in progress and it appears to be at its fag end.

Hence, this fifth bail application under Section 439 Cr.P.C. in F.I.R. No.130/2005 P.S. Subhash Chowk, Jaipur is hereby rejected.

However, the trial court is directed to expedite the trial and to make all sincere endeavours to conclude it at the earliest possible. In case, the trial is not concluded within a period of four months from the date of filing of certified copy of this order, the petitioner shall be free to file fresh bail application either before the trial court or before this Court.

(HARBANS LAL), J.

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